

MAR. 25. 2003 5:22PM

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NO. 112 P. 1

JACKSONKELLY
ATTORNEYS AT LAW PLLC

1600 LAIDLEY TOWER • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE 304-340-1000 • TELECOPIER 304-340-1130
www.jacksonkelly.com

FACSIMILE COVER SHEET

DATE 3/25/03

FACSIMILE NUMBER: 304-340-1080

CONFIRMATION/PROBLEMS: _____

Transmit to Fax #:

703 746-4609 CM#: _____

For immediate delivery to:

Kevin Shavel

From:

Monika J. Hurrell

Special Information

See attached

Original to follow: ☐ Yes, by: ☐ Regular Mail

☐ UPS

☒ No (Original available upon request)

Total Number of Pages, including this cover sheet: 6

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Received from < > at 3/25/03 5:28:59 PM [Eastern Standard Time]

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): McBride

Serial No.: 682225

Examiner: Stephanie Willatt

Filing Date: 8/8/2001

Group Art Unit: 3754

Title: TRANSPORTABLE STORAGE WITH AN AUTONOMOUS DISPENSING SYSTEM

ASSISTANT COMMISSIONER FOR PATENTS
Washington D.C. 20231

Attention Kevin Shaver
Facsimile: 703/746-4609

FILING

Sir:

We received the attached restriction or election requirement mailed October 18, 2002. As you will note from the office action, no period was specified to respond to the action, and therefore the response was only required to be filed six months after the office action date. As the response was filed on behalf of the applicant on December 24, 2002, the filing was within the prescribed period and no extension fees should be required.

I hereby certify this correspondence is being faxed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of facsimile: 3/25/03

Typed Name: Monika J. Hussell

Signature: 

Respectfully submitted,

McBride, Dale R.

By 

Monika J. Hussell
Attorney/Agent for Applicant(s)
Reg. No. 37359

Date: 3/25/03

Telephone No.: (304) 340-1197

MAR. 25. 2003 5:22PM

JACKSON & KELLY PLLC

NO. 112 P. 3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20531
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,225	08/08/2001	Dale Richard McBride	11909/301	9868

26749 7590 10/18/2002
MONIKA J. HUSSELL
1600 LAIDLEY TOWER- SUITE 1700
500 LEE STREET
CHARLESTON, WV 25301

EXAMINER

WILLATT, STEPHANIE L

ART UNIT PAPER NUMBER

3754

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,225

Applicant(s)

MCBRIDE, DALE RICHARD

Examiner

Stephanie L. Willatt

Art Unit

3754

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. Examiner Bui no longer works in art unit 3754. Examiner Willatt is now prosecuting this application. Regretfully, a restriction requirement is now deemed necessary.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-15 and 20-24, drawn to a storage system, classified in class 222, subclass 386.5.
 - II. Claim 16-19, drawn to method of manufacture and assembly of a storage system, classified in class 264, subclass 635.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions of Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by injection molding.

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie L. Willatt whose telephone number is 703-305-6316. The examiner can normally be reached Monday-Thursday (9:00-6:30) and every other Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7766.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



slw

October 15, 2002



Henry Yuen
Supervisory Patent Examiner
Group 3700